

In regards to Claim 1, this claim was amended to further clarify which is the device that sends the data message. As described in the specification on page 7, lines 12 - 13 and illustrated in **FIG. 1**, the mobile telephone includes the data messaging device that transmits the data message. In the present invention, the data message originates in the mobile telephone. By contrast, U.S. Patent No. 6,078,805 issued to Scott ('Scott Patent') *does not* describe transmission of a data message *from* a mobile telephone. Rather, the Scott Patent describes a switch, separate from the mobile telephone, that transmits a data message. **FIGS. 3 - 4**, of the Scott Patent, illustrate the separate location of the switch from the mobile telephone. Because the Scott Patent does not disclose transmission of a data message by a mobile telephone, Amended Claim 1 should be patentable over this reference.

Moreover, the Scott Patent, as described in the abstract thereof, relates to a dual mode mobile phone, not a call back scheme. Indeed, Scott focuses on making a phone call in either a personal communication system or cellular mode and *does not suggest* that the technology disclosed therein applies to callback systems. The present invention as described in Amended Claim 1 focuses generally on callback systems and particularly on avoiding charges in one locale and incurring charges in another. In contrast, the Scott Patent does not mention charge avoidance, placing multiple calls or other concepts associated with callback systems. In addition, the mobility switch in the Scott patent receives inbound calls before transmitting the data message. However, the Scott patent does not indicate how this system can be modified for placing multiple calls as in callback systems. Hence, the Scott Patent neither discloses amended Claim 1 nor suggests possible application to callback systems. Absent some teaching or suggestion that the technology described in the Scott Patent could apply to callback systems, it would not be obvious to one skilled in the art to combine the information disclosed in the Scott Patent with conventional call back systems. Hence, Amended Claim 1 and its dependent claims, Claims 2 - 7, should be allowable.

Claim 8 and Claim 15 have been amended to recite that the claimed inventions determine if a telephone call should be placed using the RTCO platform. As the

Examiner noted at the bottom of page 7 of the office action, none of the cited prior art references disclose monitoring telephone number dialed and determining whether a telephone call should be placed using a particular platform. Consequently, Amended Claims 8 and 15 along with dependent Claims 9 - 14 and 16 - 21 should be allowable.

Attached is a marked-up version of the changes made to the specification and the claims by the current amendment, as well as a clean copy of all pending claims. The marked-up version is captioned "**Version with markings showing changes made.**" and the clean copy is captioned "**Pending Claims.**"

Enclosed is a check for \$445.00 to cover the fee for a 3rd month extension of time. Because the total number of claims remain unchanged, it is believed no additional fee is due.

CONCLUSION

The Office Action dated September 27, 2000 has been reviewed and responded to fully. It is respectfully submitted that the application has been placed in full condition for allowance. Accordingly, early and favorable action is earnestly solicited.

Should the Examiner have any questions about the application, the Examiner is requested to call the undersigned attorney at 770.984.2300.

Respectfully submitted,



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